

IN THE
Supreme Court of the United States

FILED

NOV 30 2023

File Number
No. 20-2340

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

1:20CV207

Joseph L. Westfall

v.

DONALD J. TRUMP,

President, **Individually and Official Capacity,**STEVEN T. MNUCHIN, Secretary, U.S. Treasury, **Individually and Official Capacity**Joseph Biden President **Official Only**Janet Yellen Secretary, U.S. Treasury **Official Only**

En banc Fourth Circuit, Clerks, # 20-2340 ND WV Judge Keeley, M.J. Aloï, Clerks # CA 1:20CV207

Defendants

PRO SE COMPLAINT

&

Appeal

Dear John et.al

PRO SE has the 9th right of choice to exercise the 1st right to redress.

PRO SE hereby exercises both and requests adjudication of this matter.

In negative determination, the court must find Pro Se was/is not an 'eligible individual'

Estelle v. Gamble, 429 U.S. 97 (1976)

III

Against this backdrop, we now consider whether respondent's complaint states a cognizable § 1983 claim. The handwritten *pro se* document is be liberally construed.

As the Court UNANIMOUSLY held in *Haines v. Kerner*, 404 U. S. 519 (1972), a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for FAILURE TO STATE A CLAIM if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Id.* at 404 U. S. 520-521, quoting *Conley v. Gibson*, 355 U. S. 41, 355 U. S. 45-46 (1957) MARSHALL, J., delivered the opinion of the Court, in which BURGER, C.J., and BRENNAN, STEWART, WHITE, POWELL, and REHNQUIST, JJ., joined. BLACKMUN, J., concurred in the judgment. STEVENS, J., filed a dissenting opinion, 8-1

liberally construed includes this *pro se* matter is 1] properly before the court, 2]has standing, 3]it may be a class action, 4]it is a case, 5]it is a controversy, 6]it arises under the Constitution, and 7]a mandamus request of a purely "ministerial act which the law enjoins on a particular officer for a particular purpose."

In some cases then, the Constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read or to obey?"

But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy.

Marbury v. Madison, 5 U.S. 137 (1803) C.J. Marshall

Subtitle B—Rebates and Other Individual Provisions

SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.

(3) TIMING AND MANNER OF PAYMENTS.—

“(A) TIMING.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. [a specific duty, assigned by law]

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From the original filing in the NDWV August 2020, letter to C.J.Roberts September 2020, Injunction request to the 4th December 2020, appeal to the 4th January 2021, ENBANC 4th appeal June 2021, appeal to this Court August 2021,
PRO SE has been denied by such and their clerks for a reason other than **"FAILURE TO STATE A CLAIM"**.

"(d) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ‘eligible individual’ means any individual other than—

"(1) any nonresident alien individual,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

"(3) an estate or trust.

Canon 3A(5). In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court personnel, litigants, and their lawyers cooperate with the judge to that end.

June 3, 2020

WASHINGTON—The U.S. Department of the Treasury and IRS announced today that 159 million Economic Impact Payments...<https://home.treasury.gov/news/press-releases/sm1025>

"The Trump Administration has delivered 159 million Economic Impact Payments worth more than \$267 billion to Americans in record time," said Secretary Steven T. Mnuchin.

PRO SE waited an extra 2 months (filed complaint August 2020)

while working during the national health emergency and having payroll taxes deducted

Roberts Alito Thomas Sotomayor Kavanaugh Kagan Gorsuch Barrett Jackson (copy each)

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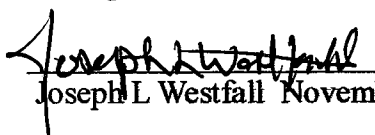
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Certificate of Service

I, Joseph L. Westfall, appearing **PRO SE**, hereby certify a true copy sent to all parties

 11-26-23
Joseph L Westfall November 26, 2023

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JLW